

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gregory J. LaRosa et al. Art Unit : 1644
Serial No. : 10/826,454 Examiner : Chun Crowder
Filed : April 16, 2004
Title : ANTI-CCR2 ANTIBODIES AND METHODS OF USE THEREFOR

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
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AMENDMENT & RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed June 19, 2006 and the notice of noncompliant response mailed November 2, 2006, applicant elects the invention of Group II drawn to the embodiment of a test kit, with traverse.

In particular, the Restriction Requirement asserts that

Group II encompasses a test kit comprising at least one antibody or antigen-binding fragment thereof and one or more ancillary reagents. It is not clear what other antibodies and ancillary reagents are encompassed in the test kit, in addition to antibody or antigen binding fragment that binds a mammalian CCR2.

Applicants respectfully traverse this restriction. The Restriction Requirement emphasizes the language "at least one" as indicating that "other antibodies ...in addition to antibody or antigen binding fragment that binds a mammalian CCR2" are encompassed. However, Applicants point out that the "at least one" language emphasized by the Examiner does not cover any antibody. Instead, prior to amendment, the claims recited at least one antibody or antigen binding fragment thereof which binds CCR2. Thus, the kit included one, two, or more antibodies that bind to CCR2. Applicants have amended claim 11 to remove the "at least one" language but note that the test kit "comprises" the various components. Therefore, the claim as amended does not exclude additional components such as an antibody that does or does not bind to CCR2.

With regard to the ancillary reagent, Applicants elect an antibody or antigen binding fragment thereof that detects the presence of a complex between CCR2 and mammalian CCR2 with traverse. It is noted that the claims do not just recite an ancillary reagent as stated in the

Restriction Requirement. Instead, the claim require an ancillary reagent *suitable for detecting the presence of a complex between the anti-CCR2 antibody or antigen binding fragment thereof and mammalian CCR 2 or a portion thereof*. Applicants do not believe that searching for any ancillary reagent suitable for detecting the presence of a complex between the anti-CCR2 antibody or antigen binding fragment thereof and mammalian CC-chemokine receptor 2 would place undue burden on the Patent and Trademark Office. If the PTO maintains that a species election is required for this component of the kit than Applicants request that it be for searching purposes only.

With regard to the species election, Applicants elect the 1D9 antibody or antigen binding fragment thereof and MCP-1 as the ligand. This election is being made for searching purposes only.

Please amend the claims as follows: